

**REMARKS**

By the amendment, claims 27, 28, 30-38, 40, 54, 56-65 and 67 are pending in the present application. Claims 27, 35, 56, and 62 are the independent claims. Claims 1-26, 29, 39, 41-53, 55 and 66 were previously cancelled. Claims 27, 35, 56, and 60-62 are amended.

**STATEMENT UNDER 37 C.F.R. §1.133(B)**

The Applicant thanks the Examiner for the courtesy shown in the telephonic interview conducted on April 27, 2009. Over the course of the interview, claim 27 and the Ueda reference were discussed. The Examiner expressed confusion over the claim terms "control information" and "copy protection information." The Examiner entertained arguments that distinguish Ueda. The Examiner indicated that he would consider the arguments in more detail when he received a written response to the outstanding Office Action. Further, the Examiner requested that the Applicant identify in the response language in the claims or specification which describe the "control information" and "copy protection information."

**REMARKS IN RESPONSE TO EXAMINER INTERVIEW**

Further to the Examiner's request to provide information from the claims and/or specification that more fully describe the terms "control information" and "copy protection information," the Applicant provides the following. In claim 27, the term "control information" is described in the claim as information "required basically for recording or reproducing user data." Non-limiting examples in the specification may be found in paragraphs [0008] and [0078] and various other portions of the specification.

With respect to the term "copy protection information," claim 27 recites this as information "for use in generating or processing copy protected user data." Further,

the claims recite that the copy protection information is required to encrypt/decrypt the user data. Non-limiting example in the specification discussing copy protection information may be found for example in paragraph [0045] and other portions of the specification. The citations made herein using paragraph numbers are cited with respect to the patent application publication for the present application.

### **REJECTIONS UNDER 35 U.S.C. §103**

Claims 27, 28, 30-38, 40, 54, 56-65, and 67 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,289,102 to Ueda et al. ("Ueda") and further in view of U.S. Patent 5,737,286 to Timmermans et al. ("Timmermans"). The Applicant respectfully traverses these rejections.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that neither Ueda nor Timmermans, either separately or in combination, teach, suggest, or otherwise render obvious all of the limitations set forth in the claims. Further, there has been no clear articulation why one skilled in the art would find the differences between the prior art and the claims obvious.

For example, independent claim 27 includes, among other things, a recording medium where "data structure of the copy protection information in a first specific data unit is different than data structure of the copy protection information in a second specific data unit." The copy protection information is for use in generating or processing copy protected user data and is required to encrypt/decrypt the user data.

The Office Action on page 3 asserts that FIG. 10, col. 14, lns. 19-25, col. 7, lns. 31-38, and col. 13, lns. 23-32 of Ueda describe the above quoted portion of claim 27. The Applicant respectfully disagrees and asserts that the above mentioned comments made in the Office Action are based on a misreading of Ueda.

For example, as shown in FIG. 10 of Ueda, plural scrambled sectors are recorded in the data recording area. However, there is no description that at least one of the plural scrambled sectors are different than any other of the scrambled sectors in its data structure. Therefore, there is no teaching that the data structures of the scrambled sectors are different. Thus, the data structure of the scrambled sectors is the same.

As shown in the embodiment of FIG. 11e, the structure of seed key field or seed key (or the encrypted title key field or the encrypted title key in the embodiment of FIG. 13e), is the same as the structure of the seed key field or seed key of another scrambled sector.

Further, as shown in FIG. 13d, the encrypted disc key 1, the encrypted key 2, etc. are obtained by encrypting the same disc key information. See col. 19, lns. 22-25. Further, in FIG. 11e, the seed key is the same for every title. See also col. 15, lns. 58-59. Therefore, Ueda does not teach, suggest or otherwise render obvious the above quoted portion of claim 27.

Timmermans does not cure the insufficiencies of Ueda nor is it alleged to. Rather, Timmermans is cited in the Office action to describe that copy protection

information in the second specific data unit is formed as a wobble pattern in the second area. See, for example, page 3 of the Office Action. For at least these reasons, the Applicant respectfully asserts that neither Ueda nor Timmermans, either separately or in combination, teach, suggest or otherwise render obvious all of the limitations set forth in claim 27 and its dependent claims 28, 30-34 and 54.

The Applicant notes that similar language quoted above with respect to claim 27 is also found in independent claims 35, 56, and 62. Therefore, the Applicant respectfully asserts that Ueda in view of Timmermans does not teach, suggest, or otherwise obvious all of the limitations set forth in independent claims 35, 56, and 62, and their respective dependent claims for at least the reasons set forth above with respect to claim 27. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claims 27, 28, 30-38, 40, 54, 56-65, and 67 be removed.

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**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 27, 28, 30-38, 40, 54, 56-65 and 67 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$130 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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